

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

A.O.A., et al.,)
)
Plaintiffs,)
)
v.) Case No. 4:11 CV 44 CDP
)
IRA L. RENNERT, et al.,)
)
Defendants.)

CASE MANAGEMENT ORDER 15

Upon consideration of the present status of the proceedings in this case, and having considered the parties' differing proposals,

IT IS HEREBY ORDERED that the following schedule shall govern the next phases of this case:

1. Plaintiffs' Expert Disclosures, Reports, and Deposition Schedule:

a. Plaintiffs shall make their expert witnesses available for depositions beginning on January 28, 2019, and the depositions must be completed no later than March 22, 2019.

b. No later than January 14, 2019, plaintiffs shall disclose all expert witnesses and shall provide the reports required by Rule 26(a)(2), Fed. R. Civ. P. Included in this disclosure shall be exclusionary dates between January 28, 2019, and March 22, 2019, for depositions of these experts.

c. No later than January 22, 2019, the parties shall meet and confer to set a schedule by which these expert depositions shall be conducted. If the parties are unable to reach an agreement, they shall notify the Court in writing no later than January 22, 2019, and report the nature of the dispute. The report must include the names of each expert and the exclusionary dates, so the Court may set a final schedule at the conference.

d. The telephone status conference presently scheduled for January 17, 2019, is **RESET** to Thursday, January 24, 2019, at 9:00 a.m. At this status conference I will resolve any remaining disputes regarding the deposition schedule and will discuss with counsel any other matters raised in their joint status report. The parties' joint status report informing the Court of all matters that should be discussed at this conference shall be filed no later than January 22, 2019. Defendants will initiate this conference call by providing a call-in number to all counsel and to the Court no later than 12:00 noon on January 23, 2019.

2. Rule 35 Examinations:

a. Plaintiffs shall make the Final Discovery Cohort Plaintiffs (as listed by the parties in ECF # 887) available for physical or mental examinations to be conducted under Rule 35, Fed. R. Civ. P., beginning on April 15, 2019, and the Rule 35 examinations must be completed no later than May 31, 2019. The Rule 35 examinations shall take place in St. Louis, Missouri, and plaintiffs must arrange

for the appropriate travel authorizations to meet the schedule above. The defendants shall be responsible for payment of reasonable travel expenses for the Final Discovery Cohort Plaintiffs to be examined in St. Louis; and, if necessary, for their parents' or guardians' travel costs as well.

b. No later than April 1, 2019, defendants shall notify plaintiffs of the identity of the Rule 35 examiners and the scope of the examinations. Any objections to the scope of the examinations shall be made to the defendants no later than April 4, 2019. If the parties are unable to reach an agreement as to the scope of the Rule 35 examinations, they shall notify the Court in writing no later than April 9, 2019, and report the nature of the dispute.

c. I will hold a telephone conference on Thursday, April 11, 2019, at 9:00 a.m. to resolve any remaining disputes regarding the scope of the Rule 35 examinations and to discuss with counsel any other matters raised in their joint status report. The parties' joint status report informing the Court of all matters that should be discussed at this conference shall be filed no later than April 9, 2019. Defendants will initiate this conference call by providing a call-in number to all counsel and to the Court no later than 12:00 noon on April 10, 2019.

3. Defendants' Expert Disclosures, Reports, and Deposition Schedule:

a. Defendants shall make their expert witnesses available for depositions beginning on August 5, 2019, and the depositions must be completed no later than

October 15, 2019.

b. No later than **July 22, 2019**, defendants shall disclose all expert witnesses and shall provide the reports required by Rule 26(a)(2), Fed. R. Civ. P. Included in this disclosure shall be exclusionary dates between August 5, 2019, and October 15, 2019, for depositions of these experts.

c. No later than **July 29, 2019**, the parties shall meet and confer to set a schedule by which these expert depositions shall be conducted. If the parties are unable to reach an agreement, they shall notify the Court in writing no later than **July 29, 2019**, and report the nature of the dispute. The report must include the names of each expert and the exclusionary dates, so the Court may set a final schedule at the conference.

d. I will hold a telephone conference on **Thursday, August 1, 2019, at 9:00 a.m.** to resolve any remaining disputes regarding the deposition schedule and to discuss with counsel any other matters raised in their joint status report. The parties' joint status report informing the Court of all matters that should be discussed at this conference shall be filed no later than **July 29, 2019**. Defendants will initiate this conference call by providing a call-in number to all counsel and to the Court no later than **12:00 noon on July 31, 2019.**

4. Plaintiffs' Rebuttal Expert Disclosures, Reports, and Deposition Schedule:

a. Plaintiffs shall make any rebuttal expert witnesses available for

depositions beginning on November 25, 2019, and the depositions must be completed no later than December 31, 2019.

b. Plaintiffs shall disclose all rebuttal expert witnesses and provide their reports no later than November 12, 2019. Included in this disclosure shall be exclusionary dates between November 25, 2019, and December 31, 2019, for depositions of these experts.

c. No later than November 19, 2019, the parties shall meet and confer to set a schedule by which these expert depositions shall be conducted. If the parties are unable to reach an agreement, they shall notify the Court in writing no later than November 19, 2019, and report the nature of the dispute. The report must include the names of each expert and any exclusionary dates, so the Court may set a final schedule at the conference.

d. I will hold a telephone conference on Thursday, November 21, 2019, at 9:00 a.m. to resolve any remaining disputes regarding the deposition schedule and to discuss with counsel any other matters raised in their joint status report. The parties' joint status report informing the Court of all matters that should be discussed at this conference shall be filed no later than November 19, 2019.

Defendants will initiate this conference call by providing a call-in number to all counsel and to the Court no later than 12:00 noon on November 20, 2019.

5. Referral to Alternative Dispute Resolution:

This case will be referred to mediation effective September 3, 2019, and that reference shall terminate November 22, 2019. A separate Order Referring Case to Alternative Dispute Resolution is entered herewith.

6. Dispositive Motions; Motions to Limit or Exclude Expert Testimony:

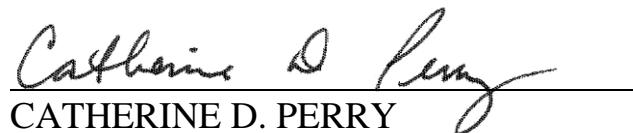
Any motions to dismiss, for summary judgment, or to limit or exclude expert testimony must be filed no later than January 31, 2020. Opposition briefs shall be filed no later than March 9, 2020. Any reply brief may be filed no later than March 31, 2020.

IT IS FURTHER ORDERED that any requests to modify this schedule must be included in the parties' joint status report that is due before the August 2, 2018, telephone conference. Before requesting modification, counsel must meet and confer and attempt to resolve the disputes; if resolution cannot be reached, they must include their respective positions in the status report.

IT IS FURTHER ORDERED that the Court will continue to hold telephone status conferences with counsel. Each conference will be on the record and defendants will initiate the conference calls by providing a call-in number to all counsel and to the Court during the week before each conference. Unless otherwise ordered above, one week before each conference, counsel shall file a joint status report informing the Court of any matters that should be discussed at

the conference. Conferences will be held:

Thursday, August 2, 2018, 10:30 a.m.
Wednesday, September 12, 2018, 10:30 a.m.
Thursday, October 25, 2018, 10:30 a.m.
Thursday, December 6, 2018, 10:30 a.m.
Thursday, January 24, 2019, at 9:00 a.m.
Thursday, April 11, 2019, at 9:00 a.m.
Thursday, August 1, 2019, at 9:00 a.m.
Thursday, November 21, 2019, at 9:00 a.m.



CATHERINE D. PERRY
UNITED STATES DISTRICT JUDGE

Dated this 2nd day of July, 2018.